

## REMARKS

Claims 5 through 9 are pending in the subject patent application. The Examiner originally indicated that claims 5 through 9 were allowable, on the basis of his first prior art search. The Applicants then cancelled the other claims, in order to allow claims 5 through 9 to issue. However, the Examiner has since then performed two additional searches to seek some prior art which could form the basis for rejecting these claims. The Applicant pointed out the inadequacy of the additional prior art found in the Examiner's second search, and the Examiner withdrew the rejections which were based on that prior art. Claims 5 through 9 have now been rejected on the basis of prior art found in the Examiner's third search.

### Discussion of Rejections under 35 U.S.C. §103

Claims 5 through 9 have been rejected under 35 U.S.C. §103 as being unpatentable over Unger in view of Stokes, and further in view of Leuthold '088.

In an apparent reference to claim 5, the Examiner has admitted that Unger fails to disclose tapered bearing surfaces on the magnets or an angled lip on the mounting bracket contacting the magnet bearing surfaces to hold the magnets in place, where the mounting bracket lip is angled at a different angle than the magnet bearing surfaces. The Examiner further contends that Stokes discloses tapered bearing surfaces on the magnets and an angled lip on the mounting bracket contacting the magnet bearing surfaces to hold the magnets in place, but where the mounting bracket lip is angled at the same angle as the magnet bearing surfaces. This much is true.

However, the Examiner then contends that Leuthold discloses a conical bearing with seal cones 37, 38 and shield seals 41, 42, where the shield seals 41, 42 are angled at different angles than the seal cones 37, 38. The Examiner contends that it would be obvious to use tapered magnets disclosed by Chitayat (sic) and the angled seals of Leuthold on the magnet sleeve of Unger. (It appears that this is a mistaken reference to Chitayat, which the Examiner had not cited in this rejection, and that the Examiner probably intended to refer to Stokes at this point.) The Applicant respectfully submits that claim 5 overcomes this rejection.

In the first place, Leuthold discloses a rotating bearing assembly for a disc drive, rather than any kind of magnetic sleeve assembly as addressed by the present invention, and by Unger and Stokes. So, Leuthold is not even applicable art, since it does not even come from the same

technological background as Unger, Stokes, and the present invention. Secondly, the two angled parts of Leuthold's device which are cited by the Examiner rotate relative to each other, while the present invention, Unger, and Stokes all address sleeve assemblies which have a non-rotating relationship among all their parts. So, one skilled in the art would not be prompted to import elements of Leuthold's device into either Unger or Stokes.

Finally, the seal cones 37, 38 and shield seals 41, 42 of Leuthold could not be imported into the devices of Unger and Stokes, since the relationship between the seal cones 37, 38 and the shield seals 41, 42 of Leuthold is nothing like the relationship between the magnets and mounting brackets of the devices of Unger and Stokes. For sake of simplicity, the remarks hereafter will address the seal cone 37 and the shield seal 41, but it should be understood that the same remarks are applicable to the seal cone 38 and the shield seal 42. The Examiner apparently cites Leuthold for the purpose of showing two components 37, 41 which are angled at different angles relative to a supporting structure. It appears that the Examiner is attempting to compare the shield seal 41 to the mounting bracket of the present invention, and to compare the seal cone 37 to the tapered magnets of the present invention. While the seal cone 37 and the shield seal 41 do extend at different angles relative to the shaft 30, that is where the similarity ends between Leuthold and the devices of the present invention, Stokes, and Unger.

That is, the lip of the shield 41 in Leuthold does not contact the seal cone 37. Moreover, the shield 41 and the seal cone 37 do not even contact each other at any point. See Figure 9 of Leuthold for a close up view of the relationships between these parts. The shield 41 is spaced entirely away from the seal cone 37. Further, the lip of the shield seal 41 is even angled away from the seal cone 37, rather than toward it, so the lip of the shield 41 could not contact the seal cone 37 even if the lip of the shield 41 were extended.

Still further, the seal cone 37 is not held in place by the shield 41, in any way. Rather than being held in place on the shaft by the shield seal 41, the seal cone 37, which is stationary, is held in place on the stationary shaft 30 by being press fit onto the shaft. The shield seal 41, which rotates, is held in place by being press fit into a depression in the rotating bearing seat 32, which rotates with the back iron 28 and the cover 29. See Leuthold column 3, lines 9 through 25 for a clear description of this arrangement.

Claim 5 defines over Unger and Stokes, because claim 5 recites that the mounting bracket lip and the beveled surfaces on the magnets are angled at different angles to hold the magnets in

place on the support sleeve. As the Applicant pointed out in a previous response, this feature enables the mounting bracket to hold the magnets securely in place on the support sleeve during thermal expansion. So, in addition to the use of two different angles on these two components, claim 5 recites a contact between the lip of the mounting bracket and the magnets, holding the magnets in place on the support sleeve. The Applicant respectfully points out that the Examiner can not cure the deficiency in the disclosures of Unger and Stokes by citing additional prior art in which two components lie at different angles, if the two angled components do not even come in contact, as is the case in Leuthold. The Applicant also respectfully points out that the Examiner can not cure the deficiency in the disclosures of Unger and Stokes by citing additional prior art in which two components lie at different angles, if neither of the two angled components holds the other angled component in place, as is the case in Leuthold.

Consequently, claim 5 avoids a *prima facie* showing of obviousness with respect to the cited combination of references. Because claims 6 through 9 either directly or indirectly depend on claim 5, they also are distinguishable over the cited combination of references.

The Examiner has not specifically addressed claim 7, which recites that the angle on the beveled surface of the magnet is greater than the angle on the bracket lip. In Stokes, the two components have the same angle. The angled components the Examiner found in Leuthold are not applicable, since they do not even contact each other, and since neither component holds the other in place. So, the prior art does not disclose two angled components where the angle on the beveled surface of the magnet is greater than the angle on the bracket lip, and claim 7 is independently allowable over the prior art.

Further, in rejecting claim 8, the Examiner has found that the recited difference between the angles on the magnets and the bracket lip would be obvious, stating that the “general conditions of the claim” have been shown in the prior art. However, claim 8 depends upon claims 5 and 7, so claim 8 is considered to incorporate the limitations of these two claims. Therefore, the Examiner’s rationale in rejecting claim 8 would require that the limitations of claims 5 and 7 be disclosed in the prior art. As pointed out above, at least one important limitation of claim 5 has not been shown in the prior art. As also shown above, at least one important limitation of claim 7 has not been shown in the prior art. Since the prior art fails to disclose two angles on the beveled magnet surfaces and the bracket lip, as recited in claim 5, and since the prior art fails to disclose that the angle on the beveled surface of the magnet is greater

than the angle on the bracket lip, as recited in claim 7, the "general conditions" of claim 8 have not been shown in the prior art. Therefore, the limitations of claim 8 can not be found obvious under the Examiner's rationale, and claim 8 is independently allowable over the known prior art.

The Applicant respectfully submits that claims 5 through 9 are patentable, and that the application is now in a condition for allowance. An early Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at (360)692-4506 for any reason that would advance the instant application to issue.

Dated this 13<sup>th</sup> day of February, 2004.

Respectfully submitted,



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I hereby certify that this Response to Office Action is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria VA 22313-1450, on this 13<sup>th</sup> day of February, 2004.



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56-40206.roa